REMARKS

By this Amendment, claims 2-4, 6, 9-11 and 13 are amended merely to clarify the recited subject matter and new claims 15 and 16 are added to claim the invention in an alternative format. New claims 15 and 16 are patentable for the same reasons as independent claims 1 and 8 asserted herein. Claims 1-16 are pending.

Preliminarily, Applicant notes that the Office has neglected to initial the Tanaka reference (U.S. 5,825,761) on the October 28, 2002 Information Disclosure Form PTO 1449. There being no indication that this omission was intentional, Applicant requests that a fully initialed copy of that form be issued.

The Office Action rejected claims 2-4, 6, 9-11 and 13 under 35 U.S.C. 112, second paragraph, for allegedly being indefinite for certain informalities. Applicant has amended the claims to overcome this rejection and request its withdrawal.

The Office Action rejected claims 1-14 under 35 U.S.C. §102(e) as being anticipated by Purnadi (U.S. 6,207,971). Applicant traverses the rejection because Purnadi fails to disclose, teach or suggest all the features recited in the rejected claims. For example, Purnadi fails to disclose, teach or suggest the claimed method for limiting the quality of service, including "defining a subscriber-specific maximum value for at least one quality of service parameter" and "offering connection establishment with lower values of the quality of service parameters to the terminal to be accepted in response to the fact that at least one of the quality of service parameters requested by the terminal exceeds the maximum value defined for the quality of service parameter or the resources of the system", as recited in independent claim 1 and its dependent claims 2-7. Similarly, Purnadi fails to disclose, teach or suggest a wireless telecommunications system wherein "a subscriber-specific maximum value is defined for at least one quality of service parameter" and "connection establishment with lower values of the quality of service parameter is configured to be offered to the terminal to be accepted in response to the fact that at least one of the quality of service parameters requested by the terminal exceeds the maximum value defined for the quality of service parameter or the resources of the system", as recited in independent claim 8 and its dependent claims 9-14.

Purnadi merely discloses a method for performing controlled degradation of quality of service level parameters of communications in a radio communication system, if communications at desired QoS level parameters are unable to be effectuated or maintained. In Purnadi, a subscriber-specific service degradation profile is stored in a Home Location

Register (HLR), wherein a primary QoS profile and one or more service degradation levels are stored in terms of QoS level parameters. These profile/degradation levels define the minimum values of QoS level parameters, which the network should attain and maintain. In accordance with the teachings of Purnadi, if the system cannot allocate a connection with the values of the primary QoS profile, a connection is automatically offered with the QoS values of the first degradation profile. If this cannot be maintained, then a connection is offered with the QoS values of the second degradation profile.

However, the QoS level parameters defined in Purnadi are minimum parameters that should be achieved. To the contrary, in the present application, maximum QoS parameter values are stored in an HLR. This difference is the result of the fact that Purnadi is aimed at preventing an abrupt service degradation during a connection, whereas the present application prevents a connection set-up with higher (and more expensive) QoS parameter values than those defined in subscriber profile. Because, Purnadi only stores minimum parameters, Purnadi cannot prevent a connection set-up with higher QoS parameter values than those defined in a subscriber profile.

Moreover, Purnadi fails to disclose teach or suggest offering a connection that a terminal user can accept. Rather, Purnadi provides an automated QoS level degradation in stepwise manner, wherein the degradation is controlled by the network and no negotiation with the terminal or the terminal user is carried out. To the contrary, in the present invention, the network offers a connection set-up with a lower QoS level for the terminal or terminal user to accept, if the requested QoS level cannot be achieved. Thus, the user has the option to choose whether he wants to set up a connection with the offered, lower QoS level. Purnadi fails to disclose, teach or suggest any such negotiation with the terminal or terminal user.

Consequently, Purnadi does not disclose, teach or suggest the claimed subject matter relating to a subscriber-specific maximum value of at least one QoS parameter or an offer of connection establishment with lower values of QoS parameters to a terminal or terminal user to be accepted. Thus, rejected claims 1-14 are patentable over Purnadi and the rejection should be withdrawn.

Moreover, Applicant traverses the rejection for the additional reason that one of ordinary skill in the art would not have looked to Purnadi when determining how to limit the costs of the transmission connections. This is because Purnadi is directed to an automated method for QoS parameter control performed solely by the network, in which method the aim

is to maintain as high a QoS level (and consequently, most expensive) as possible. Therefore, the rejection is traversed on this additional ground and claims 1-14 are allowable.

All objections and rejections having been addressed, Applicants request issuance of a notice of allowance indicating the allowability of all pending claims. If anything further is necessary to place the application in condition for allowance, Applicants request that the Examiner contact Applicants' undersigned representative at the telephone number listed below.

Please charge any fees associated with the submission of this paper to Deposit Account Number 033975. The Commissioner for Patents is also authorized to credit any over payments to the above-referenced Deposit Account.

Respectfully submitted,
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